

REMARKS

In response to the Official Action of March 17, 2008, the abstract, the Abstract of the Disclosure and claims 1-4, 9-10, 13-14, 16-18, and 22 have been amended and claims 15 and 23 have been withdrawn.

The Abstract has been amended to remove the numbers enclosed in brackets corresponding to figures.

Claims 1-4, 9-10, 13, 16-18, and 22 have been amended to correct informalities.

Claims 1 and 16 have been amended to clearly recite the “data” is found in the search.

Claims 2 and 17 have been amended to clearly recite the data is accessed by the wireless communications network, comprising data elements having references to each other, and at least part of the data elements are stored as distributed in the wireless communications network, a device connected to the wireless communications network, or a connected network.

Claim 14 has been amended to clearly recite “A computer readable medium stored with instructions that, when executed by a processor, executes the method of claim 1.”

Specification Objection

At page 2, the specification is objected to because of improper numbering. Pages 1-15 use numbers from 5 to 35 in the left margin to connote the line number. 37 CFR 1.52 states that “the paragraphs of the specification, other than in the claims or abstract, *may* be numbered at the time the application is filed.” Therefore, it is not *required* under 37 C.F.R. 1.52 that each paragraph of the specification be numbered. Thus, it is respectfully submitted that the specification is in proper form.

At page 2, the abstract of the disclosure is objected to because it includes numbers and enclosing brackets in reference to figures. These numbers and enclosing parentheses have been removed from the abstract, thus, it is respectfully submitted that the abstract is now in allowable form.

Claim Rejections- 35 U.S.C. § 112

At page 3, Claims 1-3, 10, 16-17, and 22-23 are rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

With regards to claims 1, 16 and 23, it is asserted that the term “substantially fulfilling” is a relative term which renders the claim indefinite. Further, these claims are objected to because the term “number of criteria” is not specific.

These claims have been amended to remove the words “substantially” and “number of” from the aforementioned terms. Therefore, it is respectfully submitted that claims 1, 16 and 23 are in allowable form under 35 U.S.C. §112.

With regards to claims 2 and 17, it is asserted the claims recite the phrases “distributed manner” and “including references between them,” rendering the claims indefinite. These claims have been amended to remove these phrases, thus, it is respectfully submitted that claims 2 and 17 are in allowable form under 35 U.S.C. §112.

With regards to claim 3, the claim discloses “The method of claim 1, further comprising the step of executing an internal search in a device executing said method.” It is clear from the claim that the “method” in “device executing said method” is the method of claim 1, as there is no mention of any other method in claim 3. Thus, it is believed claim 3 is in allowable form under 35 U.S.C. §112.

With regards to claim 10, it asserted that the claim recites a broad recitation together with a narrow range that falls within the broad range, thus, the claim is indefinite. Applicant respectfully disagrees. Claim 10 recites “The method of claim 1, wherein said associating includes analysis and selection of relevant data elements from all elements found in the search.” Neither “relevant data elements” nor “all elements found” is indefinite in the context of this claim. “All elements found” refers to all of the results arising from the search executed in claim 1 and “relevant data elements” refers to those results which are the most relevant to what the user is searching. Further

support for this assertion can be found on page 14 of the Specification, lines 12-17. Therefore, it is respectfully submitted that claim 10 is in allowable form under 35 U.S.C. §112.

With regards to claim 22, it is asserted that the claim is indefinite for reciting the term “substantially.” This term has been removed from claim 22, thus, it is respectfully submitted that claim 22 is in allowable form under 35 U.S.C. §112.

With regards to claim 20, it is asserted that the claim is indefinite for reciting a relative term, “most preferable means.” It is further asserted that this term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Applicant respectfully disagrees.

At page 8, lines 2-11 and page 12, lines 30-37-Page 13, lines 1-13, Applicant clearly states that it may be indicated by the context created, that the individual (e.g., Mary) the user (e.g., David) is trying to reach may be unavailable. In this situation, the device would provide David with a preferred way of communication (for example, e-mail communication if Mary is asleep or communication with an additional B-party if Mary is unavailable for real-time communication.) Thus, it is clear that the specification defines “most preferable means” so that one of ordinary skill in the art would be reasonably apprised of the scope of the invention. Therefore, it is respectfully submitted that claim 20 is in allowable form under 35 U.S.C. §112.

Claim Objections

At page 5, claim 22 is objected to under 37 C.F.R. 1.75 (c) as being in improper multiple dependency form. This claim has been amended so as to be dependent on only claim 16. Therefore, it is respectfully submitted that claim 22 is in allowable form.

Claim Rejections- 35 U.S.C. § 101

At page 5, claims 14, 15, and 23 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

With regards to claims 14 and 15, it is asserted that these claims are directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. Applicant respectfully disagrees with respect to amended claim 14 (claim 15 has been canceled).

Claim 14 recites a computer readable medium stored with instructions that, when executed by a processor, executes the method of claim 1. Thus, this claim is directed to a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. Therefore, the claim is directed to a statutory subject matter and is in allowable form under 35 U.S.C. § 101.

Claim Rejections- 35 U.S.C. § 103

At page 3, claims 1, 2, 4-11, 13-18, 20 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yared et al. (US Publication No. 2003/0149781) (hereinafter Yared) in view of Reed et al. (US 2003/0134648 A1).

With respect to claim 1, it is asserted that Yared discloses a method comprising: obtaining a number of criteria for finding information related to at least one person or entity, executing a search in a wireless communications network or a connected network thereof in order to access data substantially fulfilling the criteria, associating at least part of the data found with a context, and establishing a reachability information on the basis of the context. Reference is made to the Abstract, claim 28, and paragraphs [0009], [0044], [0064], [0118], and [0176] of Yared. It is further stated that Yared does

not disclose a “search.” However, it is asserted that Reed discloses such a feature, with reference made to paragraph [0111] of Reed. Applicant respectfully disagrees.

It is asserted that Yared discloses associating at least part of the data found in the search with a context, with reference for this assertion made to paragraph [0118], which states, “A user may wish to distribute identity information among identity providers and associate the identity providers with distinct computing devices.” Furthermore, it is also acknowledged by the Examiner that “identity information includes attributes such as the user’s name, mailing address, e-mail, telephone number and credit card number” (Yared, Paragraph [0009]).

However, Yared does not associate at least part of the data found in a search with a context as is disclosed in claim 1 of Applicant’s invention. The “identity information” of Yared does not contain several data elements which can potentially be incorporated in the context of Applicant’s invention. In Applicant’s invention, the context may include data about time, place, purpose of the communication, application, terminal ID, and access policies (Applicant’s Summary section, Page 5, lines 2-4). Therefore, Yared does not disclose associating data with a context in the manner of claim 1.

Furthermore, it is asserted by the Examiner that Yared also discloses establishing a reachability information on the basis of the context, with reference made to paragraph [0176], where it is asserted that the “profile data and preferences” of Yared is equivalent to the “reachability information” in claim 1.

However, because Yared does not disclose the context of claim 1, it also does not disclose establishing a reachability information on the basis of the context. The reachability information of claim 1 is established based on information contained in the context, which as stated above, may includes data about time, place or purpose of communication. Using that data, reachability information can be given to the user with indications that because the person they are contacting could be located in another part of the world where it is late at night, they should be reached via means that are silent (Applicant’s Detailed Description section, Page 12, Lines 30-37). Furthermore, the

reachability information of claim 1 may include secondary contacts, in case the user is trying to reach a person for a specific purpose, that person is unavailable and there is a second person who can still fulfill the user's purpose (Detailed Description section, Page 13, lines 4-13). Therefore, the profile data and preferences of Yared contain significantly different elements as the reachability information of the Applicant's invention, and the two are formed using different types of data. Thus, Yared does not disclose or suggest these limitations of claim 1.

These features are also not disclosed or suggested by Reed. Therefore, even if the teachings of Yared and Reed are combined, the combination would not disclose associating at least part of the data found in the search with a context and establishing a reachability information on the basis of said context.

Thus, it is respectfully submitted that claim 1 as amended is in allowable form.

Because amended independent device claim 16 incorporates the same features as independent method claim 1, it is respectfully submitted that claim 16 is also in allowable form.

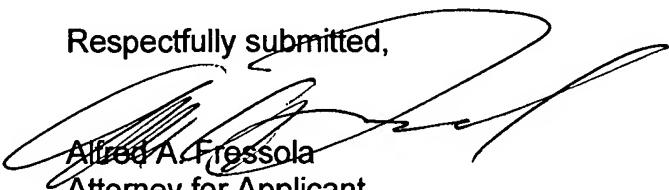
Because dependent claims 2, 4-11, 13-18, and 20 are dependent on either claim 1 or claim 16, it is respectfully submitted that these claims are also in allowable form, at least in view of such dependency.

At page 19, claims 3, 12, 19, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yared in view of Reed and Parry et. Al. (US 2003/0061204). However, because these claims are dependent on independent claims 1 or 16, which are believed to be in allowable form, it is respectfully submitted that these claims are also in allowable form, at least in view of such dependency.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,


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